

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Techmetals, Inc.
Dayton, Ohio

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-99-OH- 10

NOTICE OF VIOLATION

Pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1), the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, hereby notifies the State of Ohio and Techmetals, Inc. (Techmetals) that U.S. EPA finds Techmetals at 2200 East First Street, Dayton, Ohio to be in violation of the Ohio State Implementation Plan (SIP), as follows:

DEFINITIONS

1. Pursuant to Ohio SIP Rule Ohio Administrative Code (OAC) 3745-15-01(C), "Air pollutant" or "air contaminant" means "particulate matter, dust fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof."
2. Pursuant to Ohio SIP Rule OAC 3745-15-01(L), "Director" means "the director of the Ohio Environmental Protection Agency."
3. Pursuant to Ohio SIP Rule OAC 3745-15-01(R), "New source" means "any source the construction or modification of which is commenced on or after February 15, 1972."
4. Pursuant to Ohio SIP Rule OAC 3745-35-01(B)(1), "Air contaminant source" means "any machine, device, apparatus, equipment, building, or other physical facility that emits or may emit any air pollutant."

Statutory and Regulatory Background

5. On October 31, 1980, U.S. EPA approved permit to install new sources of pollution provisions (OAC 3745-31) as part of the

federally enforceable SIP for the State of Ohio 45 FR 72119.

6. On June 10, 1982, U.S. EPA approved permit to operate provisions (OAC 3745-35) as part of the federally enforceable SIP for the State of Ohio 47 FR 25144.
7. Ohio SIP rule OAC 3745-31-02(A) sets forth that no person shall cause, permit, or allow the installation of a new source of air pollutants without first obtaining a permit to install from the director.
8. Ohio SIP rule OAC 3745-35-02(A) sets forth that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency.

Factual Background

9. Techmetals owns and operates chromium electroplating tanks located at 2200 East First Street in Dayton, Ohio. Among them is a decorative chromium electroplating tank (source P015) and two hard chromium electroplating tanks (sources P016 and P018).
10. Sources P015, P016, and P018 emit or may emit chromic acid mist.
11. Techmetals began the construction of source P015 in April of 1996 and began its operation in October of 1996.
12. Techmetals began the construction of source P016 in January of 1998 and began its operation in March of 1998.
13. Techmetals began the construction of source P018 in February of 1997 and began its operation in May of 1997.
14. A Permit to Install was issued by the director to Techmetals for source P015 on July 9, 1997.
15. A Permit to Install was issued by the director to Techmetals for source P016 on August 5, 1998.
16. A Permit to Install was issued by the director to Techmetals for source P018 on August 5, 1998.
17. A Permit to Operate was applied for by Techmetals for sources P015, P016, and P018 on September 4, 1998.

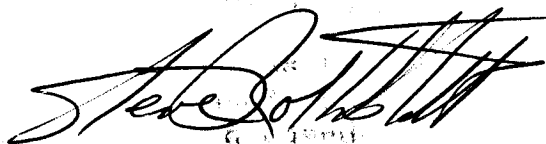
CONCLUSIONS OF LAW

18. Paragraphs 1 through 16 are incorporated herein by reference.
19. Techmetals is a "person" within the meaning of Ohio SIP Rule OAC 3745-15-01(U).
20. Chromic acid mist is an "air pollutant" and "air contaminant" as those terms are defined in Ohio SIP Rule OAC 3745-15-01(C).
21. At all times relevant hereto, Techmetals' chromium electroplating tanks located at the facility, OEPA source numbers P015, P016, and P018, have been "air contaminant sources" as that term is defined in Ohio SIP Rule OAC 3745-35-01(B)(1) and "new sources" of air pollutants as that term is defined in Ohio SIP Rule OAC 3745-15-01(R).
22. As a person that caused, permitted, or otherwise allowed the installation of new sources of air pollutants, Techmetals is subject to the requirements of Ohio SIP Rule OAC 3745-31.
23. As a person operating or otherwise using air contaminant sources, Techmetals is subject to the requirements of Ohio SIP Rule OAC 3745-35.
24. Techmetals' failure to obtain a valid Permit to Install and Permit to Operate for OEPA sources number P015, P016 and P018 constitutes violations of Ohio SIP Rules OAC 3745-31 and OAC 3745-35 and of Section 110 of the Act.

NOTICE OF VIOLATION

25. The Administrator of the EPA, by authority duly delegated to the undersigned, notifies the State of Ohio and Techmetals that the Facility described above is in violation of the Ohio SIP and the Act, as set forth in this Notice of Violation.

3/4/99
Date



Richard C. Karl, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shwanda Mayo, do hereby certify that a Finding of Violation and Notice of Violation were sent by Certified Mail, Return Receipt Requested, to:

Dan Brockman, President
Techmetals, Inc.
345 Springfield Street
Dayton, Ohio 45403

I also certify that copies of the Finding of Violation and Notice of Violation were sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

John Paul, Director
Regional Air Pollution Control Agency
Montgomery County Health Department
451 West Third Street
P.O. Box 972
Dayton, Ohio 45422

on the 8th day of March, 1999.

Shwanda Mayo
Shwanda Mayo, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P300 759 709